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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

RALPH GARCIA,

Defendant and Appellant.

B241476

(Los Angeles County  
Super. Ct. No. BA345131)

APPEAL from a judgment of the Superior Court of Los Angeles County. Gail R. Feuer, Judge. Affirmed.

Dee. A. Hayashi, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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Appellant Ralph Garcia was charged with one count of second-degree robbery in violation of Penal Code section 211. The information alleged that appellant had suffered a prior conviction that qualified as a serious felony prior under section 667, subdivision (a)(1) as well as a strike within the meaning of sections 667, subdivisions (b) through (i) and 1170.12, subdivisions (a) through (d).

On October 16, 2008, appellant waived his constitutional rights, pled no contest to the robbery charge and admitted both the prior strike and prior serious felony convictions. The court imposed the agreed-upon sentence of 9 years, consisting of the low term of two years, doubled, plus five years for the prior serious felony conviction. The court awarded appellant 61 days actual time plus nine days conduct credit, for a total of 70 days of presentence credit.

On April 12, 2012, appellant filed a "Motion to Correct Abstract of Judgment" in which he argued that he should get additional presentence credit under Penal Code section 4019, and that the amount of conduct credit should be increased to 91 days. The motion was denied on May 1, 2012.

Appellant filed a timely notice of appeal. We appointed counsel to represent him on this appeal.

After examination of the record, appellant's counsel filed an opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, and requested that this court conduct an independent review of the entire appellate record to determine whether any arguable issues exist. On October 29, 2012, we advised appellant that he had 30 days in which to personally submit any contentions or issues which he wished us to consider. No response has been received to date.

We have examined the entire record and are satisfied that appellant's attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende, supra*, 25 Cal.3d at p. 441.) Specifically, the trial court properly concluded that, because appellant was convicted of a violent felony pursuant to Penal Code section 667.5,

subdivision (c)(9), his presentence custody credits were limited to 15 percent pursuant to Penal Code section 2933.1.

DISPOSITION

The judgment is affirmed.

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ARMSTRONG, J.

We concur:

TURNER, P. J.

MOSK, J.